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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

ORIGINAL

In the Matter of)

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Amendment of Part 95 of the)
Commission's Rules to allow)
Interactive Video and Data)
Service licensees to provide)
mobile services to subscribers)
)

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WT Docket No. 95-47

COMMENTS OF EON CORPORATION

EON Corporation (EON) respectfully submits its comments to the Federal Communications Commission (FCC or Commission), in the above-captioned proceeding.^{1/} On May 11, 1994, EON Corporation requested that the Commission initiate and conduct a rulemaking proceeding to make certain amendments to its Interactive Video and Data Service (IVDS) rules to accommodate the mobile use of devices that are not required to be permanently attached to a television set.^{2/} In response to EON's *Petition*, the Commission

^{1/} *In the Matter of Amendment of Part 95 of the Commission's Rules to allow Interactive Video and Data Service licensees to provide mobile service to subscribers*, Notice of Proposed Rule Making, WT Docket No. 95-47, (rel. May 5, 1995) (*Notice*).

^{2/} *Petition for Rule Making*, RM-8476, filed May 11, 1994, placed on Public Notice May 19, 1994. (*Petition*).

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proposes rules that would allow IVDS licensees to provide ancillary mobile services to fixed service subscribers.

EON congratulates the Commission for adopting the *Notice* and for its efforts thus far to assure that IVDS becomes a viable communications service. The Commission has issued IVDS service licenses to a diverse group of new, small, entrepreneurial communications companies to a greater extent than with any other communications service in history. Expedient Commission action to implement a set of amended service rules that give these licensees an opportunity to deploy rapidly a commercially viable service is vital to the service. Allowing IVDS licensees to offer mobile services is critical to IVDS licensees' chances to succeed in the competitive marketplace.

EON believes that its understanding of the rules that the Commission proposes will insure the rapid deployment of IVDS and encourage entrepreneurial activity. EON requests, however, that the Commission clarify the proposed rule Section 95.805 (c) and two points raised in the text of the *Notice*.

PROPOSED SECTION 95.805 (c) LANGUAGE MUST BE CLARIFIED

In the *Notice*, the Commission adds language to Section 95.805 (c) that prohibits any interconnection between a response transmitter unit (RTU) and the public switched network (PSN) or any commercial mobile radio service (CMRS).^{3/} The Commission clearly intends to prohibit *direct* interconnection between RTUs and the PSN or any CMRS. In order to avoid later confusion, the Commission should state explicitly this intention. EON suggests

^{3/} *Notice* at Appendix B, § 95.805 (c).

that the Commission amend Section 95.805 (c) as follows: "Direct RTU-to-RTU communications are prohibited. No RTU in an IVDS system may be interconnected *directly* with the public switched network or any commercial mobile radio service."

Inserting the word "directly" clarifies that while the Commission intends to prohibit direct RTU interconnection with the public switched network and commercial mobile radio services, it does not intend to prohibit IVDS subscribers from using intermediaries, such as service bureaus, to receive and transmit messages.

THE COMMISSION MUST CLARIFY THAT LICENSEES ARE IN COMPLIANCE WITH THE RULES SO LONG AS EVERY IVDS SUBSCRIBER WHO RECEIVES MOBILE SERVICES IS CAPABLE OF RECEIVING FIXED SERVICES

The Commission proposes that "IVDS licenses may provide ancillary mobile services to fixed service subscribers."^{4/} EON believes that such ancillary provision of mobile services would allow IVDS licensees and subscribers to take full advantage of the increased functionality mobility provides, without undermining the basic IVDS service. EON understands that in proposing rules to allow mobile services on an ancillary basis, the Commission envisions that every subscriber who has the capability to receive mobile services will have the capability to receive fixed services. EON further understands that the Commission does not intend that individual subscribers are required to take both services, but that, so long as the licensee offers subscribers a device or devices capable of receiving IVDS services at a fixed location in addition to mobile services, it would fully comply with the rules. For example, EON manufactures a device that combines the ability to receive

^{4/} Notice at Appendix B, § 95.803 (a).

interactive IVDS offerings at fixed locations with the ability to function as a mobile device.

EON understands that the Commission contemplates that licensees that offer subscribers such a device would be in compliance with the Commission's rules.

With regard to ancillary provision of mobile services to fixed subscribers, the Commission uses language in the *Notice* that could later be misinterpreted. In particular, the *Notice* states that "[t]he primary use of the IVDS system. . . must be to provide subscribers at fixed locations with the capability to interact with video, data or other service providers. The offering to subscribers of mobile service only, such as paging or dispatch services, would not be permitted. Mobile service could be offered only to fixed service subscribers."^{5/}

EON understands that the Commission intends that subscribers be able to access interactive video, data and other services at fixed *and* mobile locations. For example, subscribers can access so-called "traditional" IVDS offerings with portable televisions or in conjunction with radio broadcasts. Many new cars offer the option of rear seat television and VCR hookups for travellers, thus enabling mobile interactive television. Furthermore, IVDS in conjunction with radio broadcasting, which is primarily a "mobile" service, provides broadcasters the opportunity to differentiate their product in a highly competitive market. EON requests that the Commission state explicitly that, as part of its permitting IVDS licensees to offer ancillary mobility, it contemplates such services.

^{5/} *Notice* at ¶ 8.

**THE COMMISSION MUST CLARIFY THAT THE SOLE PURPOSE OF THE FIVE
SECOND-PER-HOUR DUTY CYCLE IS TO PROTECT RECEPTION OF TV
CHANNEL 13**

In the *Notice*, the Commission proposes to apply to mobile RTUs the five-second-per-hour duty cycle limitation.^{6/} In January 1992, when the Commission adopted rules limiting the duty cycle along with several other technical and operational aspects of IVDS, it was to insure that IVDS would not interfere with television Channel 13.^{7/} In that *Order*, the Commission's intentions were clear:

Our principal technical concern in this proceeding is that IVDS systems not cause interference to other services. . . . We believe that specifying a maximum duty cycle will provide an additional interference safeguard.^{8/}

In proposing to apply to mobile RTUs the existing duty cycle limitation, the Commission states that "[t]his limitation would effectively preclude IVDS from abandoning interactive communications."^{9/} This language could later be misread to imply that the duty cycle is also a service-based restriction. We urge the Commission to clarify its position that the duty cycle limitation is based solely on technical factors and is intended to protect TV Channel 13 from interference.^{10/}

^{6/} See *Notice* at ¶ 9. EON notes that the Commission's duty cycle limitation is alternatively expressed as "not [to] exceed one percent within any 100 millisecond interval." 47 C.F.R. § 95.863. Despite the *Notice* mentioning only the five second duty cycle, EON assumes that the Commission's intent is that mobile units can comply with the duty cycle limitation in either manner.

^{7/} See *In the Matter of Amendment of Parts O, 1, 2, and 95 of the Commission's Rules to Provide Interactive Video and Data Services*, Report and Order, 7 FCC Rcd 1630. (*Order*)

^{8/} *Order* at ¶¶ 37,38.

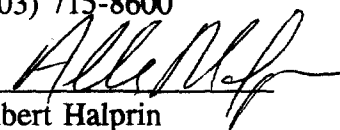
^{9/} See *Notice* at ¶ 9.

^{10/} EON believes that the duty cycle is no longer warranted for systems in which RTUs are operating at power levels of 100 milliwatts or less; however, it does not intend to request that the Commission remove the limitation at this time. We consider that the best approach to proving that low power IVDS
(continued...)

**EON URGES THE COMMISSION TO ADOPT QUICKLY RULES THAT WILL ALLOW
IVDS LICENSEES TO OFFER MOBILE SERVICES ON AN ANCILLARY BASIS**

As EON indicated in its *Petition*, prompt FCC action is needed so that consumers, broadcasters and IVDS licensees can enjoy the full benefit of design refinements not contemplated in the original rules. EON believes that mobility is critical to IVDS licensees' early success in the marketplace, and thus to the Commission's goals of ensuring small business opportunities in communications services. Several licensees are building or are on the verge of building their systems; rapid adoption of the rule changes the Commission has proposed will allow IVDS licensees to bring better service to the consumer more quickly. We urge the Commission to adopt these rules without delay.

Respectfully submitted,

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June 26, 1995

¹⁰/(...continued)

systems will not cause interference to TV Channel 13 is to introduce the service under the current duty cycle limitation, and gather operational experience and data demonstrating the lack of interference.

CERTIFICATE OF FILING AND SERVICE

I, Kay Hawkins, hereby certify that an original and five copies of the foregoing Comments of EON Corporation were deposited for filing with the Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554, this 23rd day of June, 1995.

I further certify that a true copy of the Comments of EON Corporation was served by first-class U.S. mail, postage pre-paid, on each of the parties listed below this 23rd day of June, 1995.

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